1:Barnes E-5 (1946-1949) 1954 FR5 Ngoni FR5
Mpezeni

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PLATE VI. The clerk of a county Native Court checks the whereabouts of men on the tax register of a village with an important man in the village. Standing are a Native Authority messenger with fez, and an Administrative messenger. The village headman and some of his people sit in the background.

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PLATE VII. Litigants outside a county Native Court wait for hearings to begin.

[Facing p. 152]

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review by the Administration, but in practice the cases are so numerous, the written account of them so brief, and often the handwriting of the record so bad, that it is difficult to make an adequate review. The Administration is able to keep some check on the financial transactions of the courts, and convictions for embezzlement are not uncommon; but the Administration does not greatly influence the decisions taken by the courts nor their enforcement. For though there are police on the lorry routes and crocodiles in the rivers, it is fairly easy for a determined man (or woman) who is dissatisfied with the treatment he has received in the courts to get away. He can usually get to a White farm or to a town, and once there it is not so easy to get him back. Men are not continually running away from the courts, for they usually accept decisions given against them, though appeals from a minor chief's court to the Ngoni Appeal Court are fairly common. Few people take their appeals further to the District Officer, and I have never heard of a case going on appeal beyond the Provincial Commissioner's Court.

The general moral approval by the people of the work of the courts which lies behind much of the effectiveness of the Native Court system does not extend automatically to all legal action as such. There is no widely held view that the decisions of the courts must be supported merely because they are the decisions of the courts. Some courts are good, some bad; and some decisions are good, some bad. The great majority of cases that come before a county court are brought by men and women living within the county, but sometimes a litigant begins his suit in a county court not his own, particularly in the Paramount Chief's county court, if he thinks that he will get a better hearing there. Yet chiefs support each other and a case brought before a chief by litigants from another county are sometimes thrown out, in accordance with the Native Courts Ordinance.

There is little moral sanction attaching to legal procedures, or methods of appeal, or even to the particular sums awarded as damages. The members of courts tend in the main to uphold each other's decisions, so that there is a fair amount of conformity throughout the ten counties. All those who work in courts have in fact an interest in increasing the power of the court system, which the people as a whole have not. Disputants will settle out of court if they can, for it is not so far to walk and the whole process is not so disruptive of social ties, but members of a court will sometimes challenge the right of independent arbitrators, village headmen and the like, to come to any binding decisions.

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Grandparents

603 Children on weaning are often sent to their grandmothers to be brought up. The payments made in the marriage do not seem to influence either the choice of grandmother or whether or not the child stays with its parents. A child is sometimes sent to an old woman not its grandmother but related in some other way who lives in the same or a nearby village and who already has a brood of children to look after. This separation from the parents may occur whether the grandmother lives in the same or in a different village from the parents. Grandparents, and in particular that grandmother by whom a child was brought up, become confidants in later life. It is to her husband's grandparents that a wife complains if her husband does not fulfil his sexual obligations, while it is through the bride's grandparents that the groom should approach her parents when arranging the marriage.

[606] The husband must avoid his wife's mother, but his wife's mother's mother and his wife's father's mother can sit on the same side of the house as he does, as though they were themselves married to him. When he is drunk a man can fondle the breasts of his grandmother, whereas to attempt to do this to his mother would be regarded as shocking.

593 While it is the grandmothers who intervene in the beginning of a matrimonial quarrel when the dispute is still an affair of the village, it
691 is the parents of the couple, or if the parents are dead or senile the
578 brothers, who will go to court to support them when the dispute has moved to the judicial zone of activity. Women seeking divorce on

[586] grounds of desertion get their fathers to speak in their favour, while the absentee husband, who may be lost in Southern Rhodesia, will be represented by his father or his brother. Occasionally a father may give his support to his daughter-in-law rather than to his son if the son has annoyed his father as well as his wife.

593 Outsiders cannot intervene in the disputes within a family, although
571 they may be called in to give their support to one side or the other.
578 In particular the family of a man will not themselves take the initiative in bringing an action against his wife, however strongly they may rally to his support in a dispute where the initiative is taken by the wife's people. This principle applies even in cases of incest. For example, a

[684] woman whose husband was away in Southern Rhodesia slept with her father. The husband's brothers wrote to Southern Rhodesia to tell him what was happening, but as in his reply he did not instruct them to take proceedings in the matter, nothing more was done about it.

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Yao FT7

N Y 648 691

The Yao are mistrusted more than any other tribe, and some of the decisions taken by the courts are harsh on Yao. For example, a Yao man who was married to an Ngoni woman had, it was alleged, caught venereal disease from his wife. His wife then applied to the courts for a divorce, which was granted, together with the custody of the children. No bride-wealth had been paid in the marriage, but the husband now offered to pay in order to retain the children. This bride-wealth was refused by the woman's parents. The Yao appealed, but the judgement was upheld, and in addition he was ordered to go back to Nyasaland at once. He asked for permission to return to the woman's village in order to collect his belongings, and this was granted by the court, after first securing agreement between the couple as to the extent of his possessions, to wit, four plates and two beds. This deportation order was made despite the fact that the Yao had been living with his wife for twenty-one years. If a man of some other tribe had been involved, it is unlikely that he would have been ordered to leave the country, nor would the court have been so suspicious of his trying to take away more than his rightful share of the household possessions.

N Y 648 583

A Yao, who had a good job in Fort Jameson, once offered 30*s.* to the Paramount Chief when he was in the town as the legalization payment for a woman of the royal lineage whom he wished to marry. The Paramount Chief refused the money on the ground that the man was a Yao and he was not going to permit Yao to marry into the royal lineage, despite the protest of one of his lieutenants that the Yao was just a man like anyone else.

N 186 609 N Y 648

The reason that is given for this dislike of Yao is that they are sexually very virile, due to the medicines that they possess for increasing potency. It is perhaps significant that the same is said of Indians, who are also disliked. The Yao are known among the Ngoni for their great knowledge of medicines of all kinds, and the allegation of unnatural sexual vigour may be a rationalization of the fear that the Yao may practise sorcery among the families into which they marry. Another factor that may operate is that the Yao are the only tribe in the region that the Ngoni cannot claim to have conquered.

Political Relations with Other Tribes

N 648 721

Before the European conquest relations between the Ngoni and other tribes were principally those of raiders and raided. The great season for raiding was after the harvest, when the surrounding tribes

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249 464 [857] [462] near their farms, who go home every afternoon after work and come back the next morning. Others employ women and children, and most boys work intermittently on the farms to earn enough to keep themselves in clothes until they are old enough to go away to Southern Rhodesia. Other boys work in their holidays from school.

466 To some extent people from the same village tend to go to work together in groups on a farm. This is particularly true in the case of the short-term labourers who sleep at home, since the choice of farm is restricted to those in the immediate vicinity of the village. Here sometimes the majority of the inhabitants of a village will turn out under the leadership of the headman of the village and work for three or four days on the same farm. Longer-term labourers may be attracted to a farm by the presence of a foreman from their own village.

584 Girls also go to work on their own, and many marriages are made as a result of encounters on the farms. Marriages made in this way are not always recognized by the parents of the girl until the man has brought her back to her village and formally approached her parents.

444 The villages near the farms, and to a lesser extent those near the township, sell beer to the labourers, while the farms themselves buy up most of the maize and other cereals that villagers have to sell.

464 651 653 [622] The continual demand for labour on the farms leads to their serving as a sanctuary for fugitives from social pressure of one kind or another. For example, a native policeman was going round the villages obtaining labour for the Administration for essential public works. He adopted the normal practice of imposing a quota of labourers to be supplied upon each village and made the headman responsible for seeing that his village quota was met. If the headman did not do this, he enlisted the headman as a labourer. At one village the headman told the policeman that his people had all run away to the gardens when they had heard of the arrival of the policeman in the area. The policeman warned the headman that either he must exercise his authority over his people and order them back into the village so that he could enlist them, or else the headman would be enlisted. He came back the next day to see what had happened, and found that the headman had gone off to work on a farm. There is machinery for recovering such people, but it does not work easily or quickly, and by the time a man has been located and brought back, the reason for which he was wanted may have fallen away.

691 578 Disputes between Africans on farms can be dealt with at the nearest Native Court, but if the farmer wishes to enforce his rights under the

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Labour Ordinances, he can only do so through the District Commissioner's court at Fort Jameson, which may take up more of his time than he thinks the matter worth. In consequence, few actions are brought by farmers against their African labourers and if a man breaks his contract and deserts, no action may be taken against him.

It is not surprising that the efficiency of labour operating under these conditions is low, and that the wages are also low. These two conditions react on one another, and it is misleading to regard the low wages as the only cause of the inefficiency, or the inefficiency as the only cause of the low wages. The practical effect is that men who wish to earn more money than they can get as labourers on the farms at 14*s.* a month with food go away to Southern Rhodesia. It must be observed, however, that men started going to Southern Rhodesia long before the tobacco farms were opened up to their present extent.

Labour Migration

Prior to the European conquest, the only men who had worked for Whites were those employed as carriers by the handful of travellers who passed through the country before 1896, and as carriers and labourers by the North Charterland Exploration Company from 1896 onwards. But immediately after the end of the fighting in 1898, recruiting started among the Ngoni for police work in Southern Rhodesia, and there has been a continual flow of labour migrants south ever since.

There have been considerable fluctuations in the number of men going south since that time, particularly during the two world wars, when the military requirements of the Territory exercised a greater claim. The latest figures for the Eastern Province as a whole show that, in 1946, 23 per cent. of the taxable males registered in the province were absent from the province. Another 17½ per cent. were at work within the province.[1] In May 1947, in two Ngoni counties with a combined total of 1,739 registered taxable males, it was found that 30 per cent. of them were at work in the Eastern Province and a further 42 per cent. were away elsewhere, a total of 72 per cent. away from their villages. Half of those living outside the Eastern Province were classified as 'lost', in that their present whereabouts were unknown to the people at home.[2] These figures exclude all men who have been 'lost' for more than five years.

[1] Labour Department, *Annual Report*, 1946, p. 12.
[2] These figures were given me by the District Commissioner, Fort Jameson.